



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 17, 2020

By ECF

MEMO ENDORSED

The Honorable Sidney H. Stein
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street
New York, New York 10007

Re: *United States v. Hai Jiao Dai and Xin Hui Zhou*, 19 CR 710 (SHS)

Dear Judge Stein,

The Government respectfully writes on behalf of the defendants to request an adjournment of the change of plea conference presently scheduled for July 20, 2020 to a date and time of convenience to the Court in the week of October 12, 2020 or thereafter. The Government consents to this request, which it understands is intended to permit both defendants to appear with their current counsel at a time that minimizes the risk to all participants in the change of plea proceedings arising from continuing public-health conditions. As previously stated to the Court, the parties have reached an agreement on a pre-trial disposition of this case that contemplates both defendants waiving indictment and being arraigned on a superseding information that charges one count of failing to maintain information about the shipment, receipt, sale, and distribution of cigarettes, in violation of Title 18, United States Code, Sections 2343(a) and 2344(b), to which count both defendants will plead guilty pursuant to plea agreements with the Government. The Government encloses the proposed superseding information here as Exhibit A and the plea agreements executed by both defendants here as Exhibit B and Exhibit C for the consideration of the Court. The Government believes that the time between July 20, 2020 and any adjournment is excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(G); however, with the consent of the defendants, the Government also respectfully requests that the Court exclude time under the Speedy Trial Act from July 20, 2020, through any adjournment pursuant to 18 U.S.C. § 3161(h)(7) on the basis that the interests of the defendant and the public in a speedy trial are outweighed here by the ends of justice served by allowing the

defendants and the Government to secure a pre-trial disposition agreed upon among the parties at a time that takes into cognizance the circumstances of the ongoing coronavirus pandemic.

Respectfully,

AUDREY STRAUSS
Acting United States Attorney

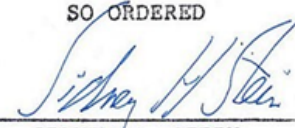
By: Thomas John Wright
Thomas John Wright
Assistant United States Attorney
(212) 637-2295

Enclosures

cc: Andrew Dalack (Counsel to Defendant Hai Jiao Dai) (by ECF)
Lawrence Schoenbach (Counsel to Defendant Xin Hui Zhou) (by ECF)

The change of plea proceeding is adjourned to October 13, 2020, at 11:00 a.m. The trial of this action is adjourned to October 19, 2020, at 9:30 a.m. Time is excluded from calculation under the Speedy Trial Act from today until October 13, 2020. The Court finds that the ends of justice served by this continuance outweigh the best interests of the public and the defendants in a speedy trial pursuant to 18 U.S.C. 3161(h)(7)(A).

**Dated: New York, New York
July 17, 2020**

SO ORDERED

SIDNEY H. STEIN
U.S.D.J.